

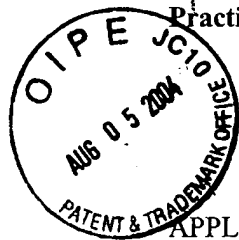
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Practitioner's Docket No. 49927 (71526)

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Seya, et al.

SERIAL NO.: 09/601,371

EXAMINER: P. M. Mertz

FILED: December 5, 2000

GROUP: 1646

FOR: CYTOKINE INDUCERS COMPRISING M161Ag

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. § 1.136(a))

1. This is a petition for an extension of the time for a total period of three months to respond to the Office Action issued February 17, 2004 in the above-identified case.. (indicate matter being extended)

NOTE: "Extensions of Time in Patent Cases (Supplement Amendments)--If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date August 5, 2004, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV438993735US, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lee Dunkle

(type or print name of person mailing paper)

Lee Dunkle

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Petition and Fee for Extension of Time (37 C.F.R. § 1.136(a))--page 1 of 3)

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34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

NOTE: An extension of time under 37 C.F.R. § 1.136(a)(1) is available unless:

"(i) Applicant is notified otherwise in an Office action;

"(ii) The reply is a reply brief submitted pursuant to § 1.193(b);

"(iii) The reply is a request for an oral hearing submitted pursuant to § 1.194(b);

"(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.196, § 1.197 or § 1.304;
or

"(v) The application is involved in an interference declared pursuant to § 1.611."

2. A response in connection with the matter for which this extension is requested:

☒ [X] is filed herewith.

☐ [] has been filed.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. 1.136 and 1.137. To facilitate processing in such a case, the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

☒ [X] The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

☐ [] a small entity. A statement:

☐ [] is attached.

☐ [] was already filed.

☒ [X] other than a small entity.

4. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)-(5)):

| Extension (months) | Fee for other than small entity | Fee for small entity |
|--|------------------------------------|-------------------------|
| <input type="checkbox"/> [] one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> [] two months | \$ 420.00 | \$ 210.00 |
| <input checked="" type="checkbox"/> [X] three months | \$ 950.00 | \$ 475.00 |
| <input type="checkbox"/> [] four months | \$1,480.00 | \$ 740.00 |
| <input type="checkbox"/> [] five months | \$2,010.00 | \$ 1,005.00 |

Fee \$ 950.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for ____ months has already been secured. The fee paid therefor of \$ 0.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 950.00

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any), the extended period for response would expire on August 17, 2004
Date

6. Fee Payment

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.

☒ Attached is a check in the sum of \$ 950.00

☒ Charge Account 04-1105 for any additional extension and/or fee required or credit for any excess fee paid.

☐ Charge fee to Account No. _____. This is a request to charge for any additional extension and/or fee required or credit for any excess fee paid.

A duplicate copy of this petition is attached.



SIGNATURE OF PRACTITIONER

Reg. No. 38,256

Christine C. O'Day

(type or print name of practitioner)

Customer No.:21874

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